

**CASE SUMMARY**  
**CASE No. CV-0078928**

Michael Peltier, et al vs. STGJ Enterprises, LLC d/b/a SMI Agency, et al §  
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 §  
 §

Case Type: **Contract - Other**  
 Date Filed: **05/22/2017**  
 Location: **County Court at Law No. 3**  
 Judicial Officer: **Ewing, Jack**

**PARTY INFORMATION**

<b>Defendant</b>	<b>Lereta, LLC</b> Paracorp Incorporated, Registered Agent 3610-2 North Josey Lane Carrollton, TX 75007	<b>Lead Attorneys</b>
<b>Defendant</b>	<b>STGJ Enterprises, LLC d/b/a SMI Agency</b> Ingrid Marie D'Anna Registered Agent 1802 Broadway Suite 118 Galveston, TX 77550	
<b>Defendant</b>	<b>Wright National Flood Insurance</b> CT Corporation System 1999 Bryan Street Suite Dallas, TX 75201	
<b>Plaintiff</b>	<b>Peltier, Kelly</b>	<b>Ramzey Zein Eldin</b> <i>Retained</i> 409-744-4357(W) 409-740-0780(F) ramzey543@gmail.com
<b>Plaintiff</b>	<b>Peltier, Michael</b>	<b>Ramzey Zein Eldin</b> <i>Retained</i> 409-744-4357(W) 409-740-0780(F) ramzey543@gmail.com

**EVENTS & ORDERS OF THE COURT**

<b>OTHER EVENTS AND HEARINGS</b>		
05/22/2017	Original Petition (OCA)	
05/22/2017	Case Cover Sheet	
05/22/2017	Request	
05/22/2017	Request	
05/22/2017	Request	
05/23/2017	Status Conference	
05/25/2017	Citation - Service	
	Call Atty for pickup	
	STGJ Enterprises, LLC d/b/a SMI Agency	Unserved
05/25/2017	Citation by Certified Mail - Service	
	Lereta, LLC	Returned Unserved 06/06/2017
	Wright National Flood Insurance	Served 05/30/2017
		Returned 06/05/2017
09/07/2017	Status Conference (1:30 PM) (Judicial Officer Ewing, Jack)	

Unofficial Record

NO. \_\_\_\_\_

**IN THE COUNTY COURTS OF**

**Galveston County - County Court at Law No. 3**

**GALVESTON COUNTY, TEXAS**

## 1

By Nicole Grimm Deputy



following address: 1802 Broadway, Suite 118, Galveston, Texas 77550. Service of said Defendant as described above can be effected by personal delivery.

6. Defendant LERETA, LLC, a Delaware Limited Liability Company, doing business in Texas may be served with process by serving the registered agent of said company, Paracorp incorporated, at 3610-2 N. Josey Ln., Carrollton, TX. Service of said Defendant as described above can be effected by Certified Mail, Return Receipt Requested..

7. Defendant Wright National Flood Insurance, is a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, CT Corporation System, at 1999 Bryan St., Ste. 900, Dallas, TX 75201. Service of said Defendant as described above can be effected by by Certified Mail, Return Receipt Requested.

#### JURISDICTION AND VENUE

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. Pursuant to Rule 47, Texas Rules of Civil Procedure, Plaintiffs state they seek monetary relief of more than \$100,000 but not more than \$200,000

10. This court has personal jurisdiction herein because Defendants are Texas residents.

11. Venue in Galveston County is proper in this cause pursuant to Section 17.56 of the Texas Business and Commerce Code and under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

#### FACTS

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STATE OF TEXAS  
COUNTY OF GALVESTON

#### CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm

12. In early 2015, Plaintiffs, who had decided to move from their home in colder climates to Galveston, Texas, began researching the cost to purchase a home in that locale. When they located a suitable property (at 2705 Ave O, Galveston, TX 77550) they visited SMI in order to determine the full cost of ownership. The Peltiers discussed the need to insure a home they were considering for purchase, their need to have that home insured and to maintain insurance to obtain a mortgage. Shortly thereafter, the Agency provided a price quote for homeowners, windstorm, and flood insurance. However, SMI's quote, apparently based on information provided through Defendants LERETA and/or Wright, represented to the Peltiers that the property was located in a "preferred flood zone (which has a lower premium than (sic) other flood zones)." The result was a quotation from SMI for a cost of \$430.00 for the annual premium for that flood insurance policy.

13. The Peltiers, retired and living on the income of a retired firefighter, after carefully weighing the purchase price and other costs associated with owning the property at 2705 Ave O, decided to purchase that home although the cost would be at or near the top of their budget, even with a 30 year loan amortization. The Peltiers, acting in reliance on the price quotation and other representations of SMI and/or LERETA and/or Wright closed on that purchase transaction on or about May 31, 2015, the same date the Peltiers purchased the flood policy from Wright, through SMI, again in reliance on those previously mentioned representations.

14. In July, 2015, the Peltiers, due to actions undertaken by their mortgage company (apparently to verify the validity of the insurance coverage provided by the Peltiers as a required by their security agreement with that mortgagor) discovered the misrepresentations in both the price quotation and the ability to be "grandfathered" at a lower policy premium. The Peltiers were eventually informed that not only was the premium misquoted but that the misquote was due to an error by Defendants in describing the location of the property in a "preferred zone" for flood insurance rate determination. The difference in the annual flood insurance premium to the Peltiers was and is roughly \$3,500.00 greater than the price quoted.

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Galveston County, Texas

By



*Nicole Grimm*  
Nicole Grimm Deputy

**DECEPTIVE TRADE PRACTICES**

15. Plaintiffs would show that Defendants engaged in certain false, misleading and deceptive acts, practices and/or omissions actionable under the Texas Deceptive Trade Practices - Consumer Protection Act (Texas Business and Commerce Code, Chapter 17.41, et seq.), as alleged herein below.

16. Defendants engaged in an "unconscionable action or course of action" to the detriment of Plaintiffs as that term is defined by Section 17.45(5) of the Texas Business and Commerce Code, by taking advantage of the lack of knowledge, ability, experience, or capacity of Plaintiffs to a grossly unfair degree.

17. Plaintiffs would show that the acts of Defendant SMI violated the following subsections of §17.46 (b) of the Texas Business and Commerce Code:

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;

18. Plaintiffs would show that the acts, practices and/or omissions complained of were the producing cause of Plaintiffs' damages more fully described hereinbelow.

19. Plaintiffs have timely notified Defendants of such complaint pursuant to Section 17.505(a) of the Texas Business and Commerce Code by letter dated February 22, 2016, and would show compliance with all conditions precedent to the filing of this suit and recovery of additional damages and attorney's fees.

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COUNTY OF GALVESTON

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Galveston County, Texas

By

  
Nicole Grimm

Deputy



### NEGLIGENT MISREPRESENTATION

20. Plaintiffs would show that Defendants supplied false information in the course of their business, profession or employment, or in the course of a transaction in which Defendants have a pecuniary interest, and that such information was supplied by Defendants for the guidance of Plaintiffs in the transactions described hereinabove. Defendants failed to exercise reasonable care or competence in obtaining or communicating such information. Plaintiffs aver that Plaintiffs suffered pecuniary loss, described more fully hereinbelow, which was proximately caused by Plaintiffs' justifiable reliance on such information.

21. Plaintiffs therefore assert a cause of action for negligent misrepresentation against Defendants, as provided by Federal Land Bank Association of Tyler v. Sloane, 825 S.W.2d 439 (Tex. 1991).

### ECONOMIC AND ACTUAL DAMAGES

22. Plaintiffs sustained the following economic and actual damages as a result of the actions and/or omissions of Defendants described hereinabove:

(a) Out-of-pocket expenses in the past, including but not limited to the cost of a flood insurance policy at the "non-preferred" rate versus the cost of the policy as represented.

(b) future expenses for the life of the loan which Plaintiffs will, in all reasonable probability, incur for the cost of a flood insurance policy at the "non-preferred" rate versus the cost of the policy as represented.

### ATTORNEY'S FEES

23. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiffs herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems

STATE OF TEXAS  
COUNTY OF GALVESTON

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DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By

  
Nicole Grimm

Deputy



equitable and just, as provided by: (a) Section 17.50(d) of the Texas Business and Commerce Code; and, (b) common law.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs, Michael Peltier and Kelly Peltier, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants, jointly and severally, for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and postjudgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

Ramzey Zein-Eldin  
Ramzey Zein-Eldin  
Texas Bar No. 22256400  
6511 Stewart Road, Suite 4  
P.O. Box 3951  
Galveston, Texas 77552  
Tel. (409) 744-4357  
Fax. (409) 740-0780  
Email: ramzey543@gmail.com  
Attorney for Plaintiffs,  
Michael Peltier and Kelly Peltier

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COUNTY OF GALVESTON

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DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm



Galveston County - County Court at Law No. 3  
CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): CV-0078928

COURT (FOR CLERK USE ONLY):

Filed  
5/22/2017 7:04:26 PM  
Dwight D. Sullivan  
County Clerk  
Galveston County, TexasSTYLED Michael Peltier and Kelly Peltier vs. STGJ Enterprises d/b/a SMI Agency, Lereta, LLC, and Wright National Flood Ins.

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson.)  
A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: <u>Ramzey Zein-Eldin</u> Email: <u>ramzey543@gmail.com</u> Address: <u>P.O. Box 3951</u> Telephone: <u>409-744-4357</u> City/State/Zip: <u>Galveston, TX 77552</u> Fax: <u>409-740-0780</u> Signature: <u>/s/ Ramzey Zein-Eldin</u> State Bar No: <u>22256400</u>		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <u>Michael Peltier</u> <u>Kelly Peltier</u> Defendant(s)/Respondent(s): <u>STGJ Enterprises, LLC, d/b/a SMI Agency</u> <u>Lereta, LLC, and Wright National</u> <u>Flood Insurance</u> [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ <b>Additional Parties in Child Support Case:</b> Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____																									
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>																													
<table border="1"> <thead> <tr> <th colspan="3">Civil</th> <th colspan="3">Family Law</th> </tr> </thead> <tbody> <tr> <td> <b>Contract</b>  <input checked="" type="checkbox"/> Debt/Contract  <input type="checkbox"/> Consumer/DTPA  <input type="checkbox"/> Debt/Contract  <input checked="" type="checkbox"/> Fraud/Misrepresentation  <input type="checkbox"/> Other Debt/Contract: _____  <b>Foreclosure</b>  <input type="checkbox"/> Home Equity - Expedited  <input type="checkbox"/> Other Foreclosure  <input type="checkbox"/> Franchise  <input type="checkbox"/> Insurance  <input type="checkbox"/> Landlord/Tenant  <input type="checkbox"/> Non-Competition  <input type="checkbox"/> Partnership  <input type="checkbox"/> Other Contract: _____         </td> <td> <b>Injury or Damage</b>  <input type="checkbox"/> Assault/Battery  <input type="checkbox"/> Construction  <input type="checkbox"/> Defamation  <input type="checkbox"/> Malpractice  <input type="checkbox"/> Accounting  <input type="checkbox"/> Legal  <input type="checkbox"/> Medical  <input type="checkbox"/> Other Professional Liability: _____  <input type="checkbox"/> Motor Vehicle Accident  <input type="checkbox"/> Premises  <input type="checkbox"/> Product Liability  <input type="checkbox"/> Asbestos/Silica  <input type="checkbox"/> Other Product Liability            List Product: _____  <input type="checkbox"/> Other Injury or Damage: _____         </td> <td> <b>Real Property</b>  <input type="checkbox"/> Eminent Domain/Condemnation  <input type="checkbox"/> Partition  <input type="checkbox"/> Quiet Title  <input type="checkbox"/> Trespass to Try Title  <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b>  <input type="checkbox"/> Expunction  <input type="checkbox"/> Judgment Nisi  <input type="checkbox"/> Non-Disclosure  <input type="checkbox"/> Seizure/Forfeiture  <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment  <input type="checkbox"/> Other: _____         </td> <td> <b>Marriage Relationship</b>  <input type="checkbox"/> Annulment  <input type="checkbox"/> Declare Marriage Void  <b>Divorce</b>  <input type="checkbox"/> With Children  <input type="checkbox"/> No Children  <b>Other Family Law</b>  <input type="checkbox"/> Enforce Foreign Judgment  <input type="checkbox"/> Habeas Corpus  <input type="checkbox"/> Name Change  <input type="checkbox"/> Protective Order  <input type="checkbox"/> Removal of Disabilities of Minority  <input type="checkbox"/> Other: _____         </td> <td> <b>Post-judgment Actions (non-Title IV-D)</b>  <input type="checkbox"/> Enforcement  <input type="checkbox"/> Modification—Custody  <input type="checkbox"/> Modification—Other  <b>Title IV-D</b>  <input type="checkbox"/> Enforcement/Modification  <input type="checkbox"/> Paternity  <input type="checkbox"/> Reciprocity (UIFSA)  <input type="checkbox"/> Support Order         </td> <td> <b>Parent-Child Relationship</b>  <input type="checkbox"/> Adoption/Adoption with Termination  <input type="checkbox"/> Child Protection  <input type="checkbox"/> Child Support  <input type="checkbox"/> Custody or Visitation  <input type="checkbox"/> Gestational Parenting  <input type="checkbox"/> Grandparent Access  <input type="checkbox"/> Parentage/Paternity  <input type="checkbox"/> Termination of Parental Rights  <input type="checkbox"/> Other Parent-Child: _____         </td> </tr> <tr> <td> <b>Employment</b>  <input type="checkbox"/> Discrimination  <input type="checkbox"/> Retaliation  <input type="checkbox"/> Termination  <input type="checkbox"/> Workers' Compensation  <input type="checkbox"/> Other Employment: _____         </td> <td colspan="5"> <b>Other Civil</b>  <input type="checkbox"/> Administrative Appeal  <input type="checkbox"/> Antitrust/Unfair Competition  <input type="checkbox"/> Code Violations  <input type="checkbox"/> Foreign Judgment  <input type="checkbox"/> Intellectual Property  <input type="checkbox"/> Lawyer Discipline  <input type="checkbox"/> Perpetuate Testimony  <input type="checkbox"/> Securities/Stock  <input type="checkbox"/> Tortious Interference  <input type="checkbox"/> Other: _____         </td> </tr> <tr> <td> <b>Tax</b>  <input type="checkbox"/> Tax Appraisal  <input type="checkbox"/> Tax Delinquency  <input type="checkbox"/> Other Tax: _____         </td> <td colspan="5"> <b>Probate &amp; 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<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>																													
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover																									
<b>4. Indicate damages sought (do not select if it is a family law case):</b> <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000																													

Rev 2/13

STATE OF TEXAS  
COUNTY OF GALVESTON

## CERTIFIED COPY CERTIFICATE

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I hereby certify on June 22, 2017.

DWIGHT D. SULLIVAN, County Clerk  
Galveston County, TexasBy Nicole Grimm Deputy  
Nicole Grimm





**Dwight D. Sullivan**  
County Clerk Galveston County

Filed  
5/22/2017 7:04:26 PM  
Dwight D. Sullivan  
County Clerk  
Galveston County, Texas

**REQUEST FOR ISSUANCE OF SERVICE**

Date Requested: 5/22/17 Galveston County - County Court at Law No. 3  
Case Number: CV-0078928 Court: \_\_\_\_\_

Type of Instrument to be served: Plaintiffs' Original Petition

**SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)**

Issue Service To: STGJ Enterprises, LLC d/b/a SMI Agency  
Address of Service: 1802 Broadway, Suite 118  
City, State & Zip: Galveston, Texas 77550 or wherever they may be found  
Agent (IF APPLICABLE) Ingrid Marie D'Anna or Julia F. Shaw

**TYPE OF SERVICE TO BE ISSUED:**

**Non Writs:**

- ☒ Citation ☐ Alias Citation ☐ Pluries Citation ☐ Citation by Publication ☐ Secretary of State Citation  
☐ Notice ☐ Precept ☐ Rule 106 Service ☐ Subpoena

**Writs:**

- ☐ Attachment (Person) ☐ Attachment (Property) ☐ Order of Sale ☐ Certiorari  
☐ Garnishment ☐ Habeas Corpus ☐ Injunction ☐ Temporary Restraining Order  
☐ Possession (Person) ☐ Possession (Property) ☐ Abstract of Judgment ☐ Protective Order  
☐ Scire Facias ☐ Sequestration ☐ Supersedeas  
☐ Other (Please Describe): \_\_\_\_\_

**UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)**

☐ Send to Sheriff

Note: Citation(s) to be served by Constable will be RETURNED TO REQUESTOR to make arrangements to deliver and make payment for service directly with the Constable

☒ Civil Process Server (Include the name of the Authorized Person to pick-up): Gilbert Gomez

☐ Call attorney for pick up (Phone Number): \_\_\_\_\_

☐ Mail to attorney at:

(Please include a self addressed stamped envelope): \_\_\_\_\_

☐ County Clerk serve by certified mail

**ISSUANCE OF SERVICE REQUESTED BY:**

Attorney/Party Name: Ramzey Zein-Eldin

Law Firm (if applicable): Law Office of Ramzey Zein-Eldin

Bar Number: 22256400

Address: P.O. Box 3951, Galveston, Texas 77552

Phone Number: 409-744-4357

Email Address: ramzey543@gmail.com

\*\*\*Service will only be issued upon payment of costs\*\*\*

Date Fees Paid: \_\_\_\_\_

Amount: \_\_\_\_\_

Method of Payment: \_\_\_\_\_

Signature of Attorney Requesting service: /s/Ramzey Zein-Eldin

STATE OF TEXAS  
COUNTY OF GALVESTON

**CERTIFIED COPY CERTIFICATE**

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By

*Nicole Grimm*  
Nicole Grimm

Deputy



**Dwight D. Sullivan**  
County Clerk Galveston County

Filed  
5/22/2017 7:04:26 PM  
Dwight D. Sullivan  
County Clerk  
Galveston County, Texas

**REQUEST FOR ISSUANCE OF SERVICE**

Date Requested: 5/22/17 Galveston County - County Court at Law No. 3  
Case Number: CV-0078928 Court: \_\_\_\_\_  
Type of Instrument to be served: Plaintiffs' Original Petition

**SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)**

Issue Service To: LERETA, LLC.  
Address of Service: 3610-2 N. Josey Lane  
City, State & Zip: Carrollton, Texas 75007 or wherever they may be found  
Agent (IF APPLICABLE) Paracorp Incorporated

**TYPE OF SERVICE TO BE ISSUED:**

<b>Non Writ:</b>			
<input checked="" type="checkbox"/> Citation	<input type="checkbox"/> Alias Citation	<input type="checkbox"/> Pluries Citation	<input type="checkbox"/> Citation by Publication
<input type="checkbox"/> Notice	<input type="checkbox"/> Precept	<input type="checkbox"/> Rule 106 Service	<input type="checkbox"/> Subpoena
<b>Writs:</b>			
<input type="checkbox"/> Attachment (Person)	<input type="checkbox"/> Attachment (Property)	<input type="checkbox"/> Order of Sale	<input type="checkbox"/> Certiorari
<input type="checkbox"/> Garnishment	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> Injunction	<input type="checkbox"/> Temporary Restraining Order
<input type="checkbox"/> Possession (Person)	<input type="checkbox"/> Possession (Property)	<input type="checkbox"/> Abstract of Judgment	<input type="checkbox"/> Protective Order
<input type="checkbox"/> Scire Facias	<input type="checkbox"/> Sequestration	<input type="checkbox"/> Supersedeas	
<input type="checkbox"/> Other (Please Describe): _____			

**UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)**

☐ Send to Sheriff  
Note: Citation(s) to be served by Constable will be RETURNED TO REQUESTOR to make arrangements to deliver and make payment for service directly with the Constable

☐ Civil Process Server (Include the name of the Authorized Person to pick-up): \_\_\_\_\_

☐ Call attorney for pick up (Phone Number): \_\_\_\_\_

☐ Mail to attorney at: \_\_\_\_\_  
(Please include a self addressed stamped envelope): \_\_\_\_\_

☒ County Clerk serve by certified mail

**ISSUANCE OF SERVICE REQUESTED BY:**

Attorney/Party Name: Ramzey Zein-Eldin  
Law Firm (if applicable): Law Office of Ramzey Zein-Eldin Bar Number: 22256400  
Address: P.O. Box 3951, Galveston, Texas 77552  
Phone Number: 409-744-4357 Email Address: ramzey543@gmail.com  
\*\*\*Service will only be issued upon payment of costs\*\*\*  
Date Fees Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Method of Payment: \_\_\_\_\_  
Signature of Attorney Requesting service: /s/Ramzey Zein-Eldin

STATE OF TEXAS  
COUNTY OF GALVESTON

**CERTIFIED COPY CERTIFICATE**

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm



**Dwight D. Sullivan**  
County Clerk Galveston County

Filed  
5/22/2017 7:04:26 PM  
Dwight D. Sullivan  
County Clerk  
Galveston County, Texas

**REQUEST FOR ISSUANCE OF SERVICE**

Date Requested: 5/22/17 Galveston County - County Court at Law No. 3  
Case Number: CV-0078928 Court: \_\_\_\_\_  
Type of Instrument to be served: Plaintiffs' Original Petition

**SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)**

Issue Service To: Wright National Flood Insurance  
Address of Service: 1999 Bryan Street, Suite 900  
City, State & Zip: Dallas, Texas 75201 or wherever they may be found.  
Agent (IF APPLICABLE) CT Corporation System

**TYPE OF SERVICE TO BE ISSUED:**

**Non Writ:**

- ☒ Citation ☐ Alias Citation ☐ Pluries Citation ☐ Citation by Publication ☐ Secretary of State Citation  
☐ Notice ☐ Precept ☐ Rule 106 Service ☐ Subpoena

**Writs:**

- ☐ Attachment (Person) ☐ Attachment (Property) ☐ Order of Sale ☐ Certiorari  
☐ Garnishment ☐ Habeas Corpus ☐ Injunction ☐ Temporary Restraining Order  
☐ Possession (Person) ☐ Possession (Property) ☐ Abstract of Judgment ☐ Protective Order  
☐ Scire Facias ☐ Sequestration ☐ Supersedeas  
☐ Other (Please Describe): \_\_\_\_\_

**UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)**

- ☐ Send to Sheriff

Note: Citation(s) to be served by Constable will be RETURNED TO REQUESTOR to make arrangements to deliver and make payment for service directly with the Constable

- ☐ Civil Process Server (Include the name of the Authorized Person to pick-up): \_\_\_\_\_

- ☐ Call attorney for pick up (Phone Number): \_\_\_\_\_

- ☐ Mail to attorney at:

(Please include a self addressed stamped envelope): \_\_\_\_\_

- ☒ County Clerk serve by certified mail

**ISSUANCE OF SERVICE REQUESTED BY:**

Attorney/Party Name: Ramzey Zein-Eldin

Law Firm (if applicable): Law Office of Ramzey Zein-Eldin

Bar Number: 22256400

Address: P.O. Box 3951, Galveston, Texas 77552

Phone Number: 409-744-4357

Email Address: ramzey543@gmail.com

\*\*\*Service will only be issued upon payment of costs\*\*\*

Date Fees Paid: \_\_\_\_\_

Amount: \_\_\_\_\_

Method of Payment: \_\_\_\_\_

Signature of Attorney Requesting service: /s/Ramzey Zein-Eldin

STATE OF TEXAS  
COUNTY OF GALVESTON

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I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm

## CITATION

DOCKET NO. CV-0078928

County Court at Law No. 3

Michael Peltier, et al

 COPY

vs.

STGJ Enterprises, LLC d/b/a SMI Agency, et al

THE STATE OF TEXAS  
COUNTY OF GALVESTON

TO: STGJ Enterprises, LLC d/b/a SMI Agency - may be served by serving:

Ingrid Marie D'Anna Registered Agent or member  
Julia F Shaw  
1802 Broadway Suite 118  
Galveston TX 77550

or anywhere they may be found.

## GREETING:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: Galveston County Clerk's Office, 600 59th Street, Suite 2001, Galveston, Texas 77551-4180. The case is presently before Honorable Jack Ewing, County Court at Law No. 3 of Galveston County, at the Galveston County Justice Center in Galveston, Texas.

SAID PLAINTIFF'S ORIGINAL PETITION WAS FILED ON MAY 22, 2017, under DOCKET NO. CV-0078928, with the style of the cause being: Michael Peltier, et al vs. STGJ Enterprises, LLC d/b/a SMI Agency, et al. The name and address of the plaintiff or the attorney of record is: Ramzey Zein Eldin, 6511 Stewart Road Suite 4 P O Box 3951 Galveston TX 77552-0951. A copy of Plaintiff's Original Petition together with case information statement accompany this citation and are made a part hereof.

If this citation is not served, it shall be returned unserved.

ISSUED UNDER MY HAND AND SEAL OF OFFICE, at Galveston, Texas, on this, the 25th day of May, 2017.

Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, TexasBy Denise Marsh /s/ Denise Marsh Deputy

===== OFFICER'S OR AUTHORIZED PERSON'S RETURN =====  
Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and executed in \_\_\_\_\_ County, Texas by delivering to each of the with named person a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the Plaintiff's Original Petition, at the following times and places, to-wit:

Name	Date	Time	Place

FEES - Serving

Name of Officer or Authorized Person

AMOUNT \$ \_\_\_\_\_

County, Texas

By \_\_\_\_\_ Deputy

## Authorized Person's Verification:

On this day personally appeared \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return. After being duly sworn by me, he/she stated that this citation was executed by him/her in the exact manner recited on the return. Sworn to and subscribed before me on this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public  
In and For the State of TexasNotary's Name Printed: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_ GALVESTON COUNTY, TEXASSTATE OF TEXAS  
COUNTY OF GALVESTON

## CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.

DWIGHT D. SULLIVAN, County Clerk  
Galveston County, TexasBy Nicole Grimm Deputy  
Nicole Grimm

County Court at Law No. 3 of Galveston County, Texas

May 23, 2017

Case Information Statement

 **COPY**

The case information statement is for administrative purposes only. It shall be filed with the parties' original pleadings and shall be served upon all other parties to the action.

Style:

Michael Peltier, et al

Cause No. CV-0078928 Filed 05/22/17  
**Status Conference Set For**  
**09/07/17 @ 1:30 P.M.**

vs.

STGJ Enterprises, LLC d/b/a SMI Agency,  
et al ✓

Attorney for Petitioner or Pro Se

Attorney for Respondent or Pro Se

State Bar Number

State Bar Number

Address

Address

Phone Number

Phone Number

Fax Number

Fax Number

Briefly describe the case including any special characteristics that may warrant extended discovery or accelerated disposition. If complex or expedited track requested, explain why. Attach additional sheets if necessary.

Estimated time for Discovery \_\_\_\_\_ Estimated time for Trial \_\_\_\_\_

Level 1                      Level 2                      Level 3

Signature of Attorney or Pro Se Party: \_\_\_\_\_ Date \_\_\_\_\_

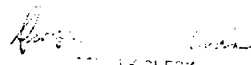
Only attorney(s) or Pro Se Party(ies) are to be present at Conference  
You may submit a Docket Control Order in lieu of appearance at the status conference.

**Failure to appear at status conference may result in case being  
Dismissed for Want of Prosecution**

Please Fill Out and Return

**FILED**

17 MAY 23 AM 9:58

  
CLERK  
GALVESTON COUNTY, TEXAS



STATE OF TEXAS  
COUNTY OF GALVESTON

CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By  Deputy  
Nicole Grimm

CITATION

DOCKET NO. CV-0078928  
County Court at Law No. 3  
Michael Peltier, et al  
vs.

STGJ Enterprises, LLC d/b/a SMI Agency, et al

THE STATE OF TEXAS  
COUNTY OF GALVESTON

TO: Wright National Flood Insurance - may be served by Certified mail, Restricted Delivery to addressee only, by delivering to:

CT Corporation System  
1999 Bryan Street Suite  
Dallas TX 75201

or anywhere they may be found

GREETING:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next after the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: Galveston County Clerk's Office, 600 59th Street, Suite 2001, Galveston, Texas 77551-4180. The case is presently before Honorable Jack Ewing, County Court at Law No. 3 of Galveston County, at the Galveston County Justice Center in Galveston, Texas.

SAID PLAINTIFF'S ORIGINAL PETITION WAS FILED ON MAY 22, 2017, under DOCKET NO. CV-0078928, with the style of the cause being: Michael Peltier; Kelly Peltier, Plaintiff(s), Versus STGJ Enterprises, LLC d/b/a SMI Agency; Lereta, LLC; Wright National Flood Insurance, Defendant(s). The name and address of the plaintiff or the attorney of record is: Ramzey Zein Eldin, 6511 Stewart Road Suite 4 P O Box 3951 Galveston TX 77552-0951. A copy of Plaintiff's Original Petition together with case information statement accompanies this citation and made a part hereof.

If this citation is not served, it shall be returned unserved.

ISSUED UNDER MY HAND AND SEAL OF OFFICE, at Galveston, Texas, on this, the 25th day of May, 2017.



Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By /s/ Denise Marsh Deputy  
Denise Marsh

A true copy of the citation, of which the foregoing is the original, was served by mailing May 25, 2017, through the United States Postal Service, by certified mail, in an envelope with adequate postage affixed, marked for restricted delivery to addressee only, with return receipt requested, duly addressed to:

Wright National Flood Insurance  
CT Corporation System  
1999 Bryan Street Suite  
Dallas TX 75201

or anywhere they may be found

The original of the citation, together with the return receipt duly received, is herewith filed and recorded in my office at Galveston, Texas, this 5 day of June, 2017.

Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By Ayem Benmides

**FILED**

Deputy  
17 JUN -5 AM 9:19

*Dwight D. Sullivan*  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF GALVESTON

CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm



CV-0078928

Certified citation,

County Court at Law No. 3

Sent May 25, 2017- Certified Mail

Galveston County, Texas

7012 2210 0001 8417 9670

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com


**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To Wright National Flood Ins.  
 Corporation System  
 1999 Bryan St. Ste. 900  
 Dallas TX 75201

PS Form 3800, August 2015 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  </p> <p>B. Received by (Printed Name)            Terri Thongsavat</p> <p>C. Date of Delivery            5/30/17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Wright National Flood Insurance            CT Corporation System            1999 Bryan Street Suite 900            Dallas TX 75201</p> <p>CV-0078928 dm</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number            (Transfer from service label)</p> <p>7012 2210 0001 8417 9670</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

FILED

17 JUN -5 AM 9:19

*Dwight D. Sullivan*  
 COUNTY CLERK  
 GALVESTON COUNTY, TEXAS

STATE OF TEXAS  
 COUNTY OF GALVESTON

## CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.

DWIGHT D. SULLIVAN, County Clerk  
 Galveston County, Texas

By

*Nicole Grimm*  
 Nicole Grimm

Deputy





CITATION

DOCKET NO. CV-0078928  
County Court at Law No. 3  
Michael Peltier, et al  
vs.

THE STATE OF TEXAS  
COUNTY OF GALVESTON

STGJ Enterprises, LLC d/b/a SMI Agency, et al

TO: Lereta, LLC - may be served by Certified mail, Restricted Delivery to addressee only, by delivering  
to:

Paracorp Incorporated Registered Agent  
3610-2 North Josey Lane  
Carrollton TX 75007

Or anywhere they may be found

GREETING:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next after the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: Galveston County Clerk's Office, 600 59th Street, Suite 2001, Galveston, Texas 77551-4180. The case is presently before Honorable Jack Ewing, County Court at Law No. 3 of Galveston County, at the Galveston County Justice Center in Galveston, Texas.

SAID PLAINTIFF'S ORIGINAL PETITION WAS FILED ON MAY 22, 2017, under DOCKET NO. CV-0078928, with the style of the cause being: Michael Peltier; Kelly Peltier, Plaintiff(s), Versus STGJ Enterprises, LLC d/b/a SMI Agency; Lereta, LLC; Wright National Flood Insurance, Defendant(s). The name and address of the plaintiff or the attorney of record is: Ramsey Zein Eldin, 6511 Stewart Road Suite 4 P O Box 3951 Galveston TX 77552-0951. A copy of Plaintiff's Original Petition together with case information statement accompanies this citation and made a part hereof.

If this citation is not served, it shall be returned unserved.

ISSUED UNDER MY HAND AND SEAL OF OFFICE, at Galveston, Texas, on this, the 25th day of May, 2017.



Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By /s/ Denise Marsh Deputy  
Denise Marsh

A true copy of the citation, of which the foregoing is the original, was served by mailing May 25, 2017, through the United States Postal Service, by certified mail, in an envelope with adequate postage affixed, marked for restricted delivery to addressee only, with return receipt requested, duly addressed to:

Lereta, LLC  
Paracorp Incorporated Registered Agent  
3610-2 North Josey Lane  
Carrollton TX 75007

Or anywhere they may be found

The original of the citation, together with the return receipt duly received, is herewith filed and recorded in my office at Galveston, Texas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By \_\_\_\_\_ Deputy

**FILED**

17 JUN -6 AM 8:37

*Dwight D. Sullivan*  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF GALVESTON

CERTIFIED COPY CERTIFICATE

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of County Court at Law No. 3 in my office.

I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm

CV-0078928

Certified citation,

County Court at Law No. 3

Sent May 25, 2017- Certified Mail

Galveston County, Texas

U.S. Postal Service<sup>®</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: **Lereta LLC**  
 Street, Apt. No., or PO Box No.: **Paracorp Incorporated RA**  
**3610-2 North Josey Lane**  
 City, State, ZIP+4<sup>®</sup>: **Carrollton TX 75007**

PS Form 3800, August 2016 See Reverse for Instructions

7012 2210 0001 8417 9687

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><b>Lereta, LLC</b>  <b>Paracorp Incorporated Registered Agent</b>  <b>3610-2 North Josey Lane</b>  <b>Carrollton TX 75007</b></p> <p><b>CV-0078928 dm</b></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from serv) <b>7012 2210 0001 8417 9687</b></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**FILED**

17 JUN -6 AM 8:37

*Dwight D. Sullivan*  
 COUNTY CLERK  
 GALVESTON COUNTY, TEXAS

STATE OF TEXAS  
 COUNTY OF GALVESTON

## CERTIFIED COPY CERTIFICATE

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I hereby certify on June 22, 2017.



DWIGHT D. SULLIVAN, County Clerk  
 Galveston County, Texas

By *Nicole Grimm* Deputy  
 Nicole Grimm

CITATION

DOCKET NO. CV-0078928  
County Court at Law No. 3  
Michael Peltier, et al  
vs.

STGJ Enterprises, LLC d/b/a SMI Agency, et al

THE STATE OF TEXAS  
COUNTY OF GALVESTON

TO: Lereta, LLC - may be served by Certified mail, Restricted Delivery to addressee only, by delivering  
to:

Paracorp Incorporated Registered Agent  
3610-2 North Josey Lane  
Carrollton TX 75007

Or anywhere they may be found

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You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next after the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you. Said written answer may be filed by mailing same to: Galveston County Clerk's Office, 600 59th Street, Suite 2001, Galveston, Texas 77551-4180. The case is presently before Honorable Jack Ewing, County Court at Law No. 3 of Galveston County, at the Galveston County Justice Center in Galveston, Texas.

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If this citation is not served, it shall be returned unserved.

ISSUED UNDER MY HAND AND SEAL OF OFFICE, at Galveston, Texas, on this, the 25th day of May, 2017.



Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By /s/ Denise Marsh Deputy  
Denise Marsh

A true copy of the citation, of which the foregoing is the original, was served by mailing May 25, 2017, through the United States Postal Service, by certified mail, in an envelope with adequate postage affixed, marked for restricted delivery to addressee only, with return receipt requested, duly addressed to:

Lereta, LLC  
Paracorp Incorporated Registered Agent  
3610-2 North Josey Lane  
Carrollton TX 75007

Or anywhere they may be found

The original of the citation, together with the return receipt duly received, is herewith filed and recorded in my office at Galveston, Texas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dwight D. Sullivan, Galveston County Clerk  
County Court at Law No. 3  
Galveston County, Texas

By \_\_\_\_\_

**FILED**

17 JUN -6 AM 8:37

*Dwight D. Sullivan*  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF GALVESTON

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DWIGHT D. SULLIVAN, County Clerk  
Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm

County Court at Law No. 3 of Galveston County, Texas

Case Information Statement

May 23, 2017

The case information statement is for administrative purposes only. It shall be filed with the parties' original pleadings and shall be served upon all other parties to the action.

Style:

Michael Peltier, et al

Cause No. CV-0078928 Filed 05/22/17  
Status Conference Set For  
09/07/17 @ 1:30 P.M.

vs.

STGJ Enterprises, LLC d/b/a SMI Agency,  
et al

Attorney for Petitioner or Pro Se

Attorney for Respondent or Pro Se

State Bar Number

State Bar Number

Address

Address

Phone Number

Phone Number

Fax Number

Fax Number

Briefly describe the case including any special characteristics that may warrant extended discovery or accelerated disposition. If complex or expedited track requested, explain why. Attach additional sheets if necessary.

Estimated time for Discovery \_\_\_\_\_ Estimated time for Trial \_\_\_\_\_

Level 1 Level 2 Level 3

Signature of Attorney or Pro Se Party: \_\_\_\_\_ Date \_\_\_\_\_

Only attorney(s) or Pro Se Party(ies) are to be present at Conference  
You may submit a Docket Control Order in lieu of appearance at the status conference.

**Failure to appear at status conference may result in case being  
Dismissed for Want of Prosecution**

Please Fill Out and Return

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Nicole Grimm

Filed  
5/22/2017 7:04:26 PM  
Dwight D. Sullivan  
County Clerk  
Galveston County, Texas

CV-0078928

NO. \_\_\_\_\_

**MICHAEL PELTIER AND KELLY  
PELTIER, Plaintiffs**

**V.**

**STGJ ENTERPRISES, LLC D/B/A SMI  
AGENCY, LERETA, LLC, AND  
WRIGHT NATIONAL FLOOD  
INSURANCE, Defendants.**

§ **IN THE COUNTY COURTS OF**  
§  
§ Galveston County - County Court at Law No. 3  
§  
§  
§ **GALVESTON COUNTY, TEXAS**  
§  
§  
§  
§ \_\_\_\_\_

**PLAINTIFFS' ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COME** Michael Peltier and Kelly Peltier, hereinafter called Plaintiffs, complaining of and about STGJ Enterprises, LLC d/b/a SMI Agency, LERETA, LLC and Wright National Flood Insurance, hereinafter called Defendants, and for cause of action show unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiffs intend that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiffs, Kelly Peltier and Michael Peltier, are Individuals whose residence address is 2705 Avenue O, Galveston, Texas 77550.
3. The last three numbers of Michael Peltier's driver's license number are 8X9. The last three numbers of Michael Peltier's social security number are 2X4.
4. Defendant STGJ Enterprises, LLC d/b/a SMI Agency (referred to further as SMI), is a Texas limited liability company and may be served with process by serving it's registered agent, Ingrid Marie D'Anna or member Julia F. Shaw both of whom may be found at the

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COUNTY OF GALVESTON

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Galveston County, Texas

By Nicole Grimm Deputy  
Nicole Grimm

following address: 1802 Broadway, Suite 118, Galveston, Texas 77550. Service of said Defendant as described above can be effected by personal delivery.

6. Defendant LERETA, LLC, a Delaware Limited Liability Company, doing business in Texas may be served with process by serving the registered agent of said company, Paracorp incorporated, at 3610-2 N. Josey Ln., Carrollton, TX. Service of said Defendant as described above can be effected by Certified Mail, Return Receipt Requested..

7. Defendant Wright National Flood Insurance, is a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, CT Corporation System, at 1999 Bryan St., Ste. 900, Dallas, TX 75201. Service of said Defendant as described above can be effected by by Certified Mail, Return Receipt Requested.

#### JURISDICTION AND VENUE

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. Pursuant to Rule 47, Texas Rules of Civil Procedure, Plaintiffs state they seek monetary relief of more than \$100,000 but not more than \$200,000

10. This court has personal jurisdiction herein because Defendants are Texas residents.

11. Venue in Galveston County is proper in this cause pursuant to Section 17.56 of the Texas Business and Commerce Code and under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

#### FACTS

STATE OF TEXAS  
COUNTY OF GALVESTON

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Nicole Grimm



12. In early 2015, Plaintiffs, who had decided to move from their home in colder climes to Galveston, Texas, began researching the cost to purchase a home in that locale. When they located a suitable property (at 2705 Ave O, Galveston, TX 77550) they visited SMI in order to determine the full cost of ownership. The Peltiers discussed the need to insure a home they were considering for purchase, their need to have that home insured and to maintain insurance to obtain a mortgage. Shortly thereafter, the Agency provided a price quote for homeowners, windstorm, and flood insurance. However, SMI's quote, apparently based on information provided through Defendants LERETA and/or Wright, represented to the Peltiers that the property was located in a "preferred flood zone (which has a lower premium than (sic) other flood zones)." The result was a quotation from SMI for a cost of \$430.00 for the annual premium for that flood insurance policy.

13. The Peltiers, retired and living on the income of a retired firefighter, after carefully weighing the purchase price and other costs associated with owning the property at 2705 Ave O, decided to purchase that home although the cost would be at or near the top of their budget, even with a 30 year loan amortization. The Peltiers, acting in reliance on the price quotation and other representations of SMI and/or LERETA and/or Wright closed on that purchase transaction on or about May 31, 2015, the same date the Peltiers purchased the flood policy from Wright, through SMI, again in reliance on those previously mentioned representations.

14. In July, 2015, the Peltiers, due to actions undertaken by their mortgage company (apparently to verify the validity of the insurance coverage provided by the Peltiers as required by their security agreement with that mortgagor) discovered the misrepresentations in both the price quotation and the ability to be "grandfathered" at a lower policy premium. The Peltiers were eventually informed that not only was the premium misquoted but that the misquote was due to an error by Defendants in describing the location of the property in a "preferred zone" for flood insurance rate determination. The difference in the annual flood insurance premium to the Peltiers was and is roughly \$3,500.00 greater than the price quoted.

STATE OF TEXAS  
COUNTY OF GALVESTON

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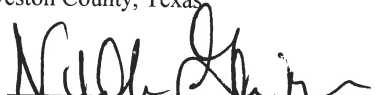
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Galveston County, Texas

By

  
Nicole Grimm

Deputy



**DECEPTIVE TRADE PRACTICES**

15. Plaintiffs would show that Defendants engaged in certain false, misleading and deceptive acts, practices and/or omissions actionable under the Texas Deceptive Trade Practices - Consumer Protection Act (Texas Business and Commerce Code, Chapter 17.41, et seq.), as alleged herein below.

16. Defendants engaged in an "unconscionable action or course of action" to the detriment of Plaintiffs as that term is defined by Section 17.45(5) of the Texas Business and Commerce Code, by taking advantage of the lack of knowledge, ability, experience, or capacity of Plaintiffs to a grossly unfair degree.

17. Plaintiffs would show that the acts of Defendant SMI violated the following subsections of §17.46 (b) of the Texas Business and Commerce Code:

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;

18. Plaintiffs would show that the acts, practices and/or omissions complained of were the producing cause of Plaintiffs' damages more fully described hereinbelow.

19. Plaintiffs have timely notified Defendants of such complaint pursuant to Section 17.505(a) of the Texas Business and Commerce Code by letter dated February 22, 2016, and would show compliance with all conditions precedent to the filing of this suit and recovery of additional damages and attorney's fees.

STATE OF TEXAS  
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#### NEGLIGENT MISREPRESENTATION

20. Plaintiffs would show that Defendants supplied false information in the course of their business, profession or employment, or in the course of a transaction in which Defendants have a pecuniary interest, and that such information was supplied by Defendants for the guidance of Plaintiffs in the transactions described hereinabove. Defendants failed to exercise reasonable care or competence in obtaining or communicating such information. Plaintiffs aver that Plaintiffs suffered pecuniary loss, described more fully hereinbelow, which was proximately caused by Plaintiffs' justifiable reliance on such information.

21. Plaintiffs therefore assert a cause of action for negligent misrepresentation against Defendants, as provided by Federal Land Bank Association of Tyler v. Sloane, 825 S.W.2d 439 (Tex. 1991).

#### ECONOMIC AND ACTUAL DAMAGES

22. Plaintiffs sustained the following economic and actual damages as a result of the actions and/or omissions of Defendants described hereinabove:

(a) Out-of-pocket expenses in the past, including but not limited to the cost of a flood insurance policy at the "non-preferred" rate versus the cost of the policy as represented.

(b) future expenses for the life of the loan which Plaintiffs will, in all reasonable probability, incur for the cost of a flood insurance policy at the "non-preferred" rate versus the cost of the policy as represented.

#### ATTORNEY'S FEES

23. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiffs herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems

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equitable and just, as provided by: (a) Section 17.50(d) of the Texas Business and Commerce Code; and, (b) common law.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs, Michael Peltier and Kelly Peltier, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants, jointly and severally, for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and postjudgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

Ramzey Zein-Eldin  
Ramzey Zein-Eldin  
Texas Bar No. 22256400  
6511 Stewart Road, Suite 4  
P.O. Box 3951  
Galveston, Texas 77552  
Tel. (409) 744-4357  
Fax. (409) 740-0780  
Email: ramzey543@gmail.com  
Attorney for Plaintiffs,  
Michael Peltier and Kelly Peltier

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Galveston County, Texas

By

*Nicole Grimm*  
Nicole Grimm Deputy

**CAUSE NO. CV-0078928**

<b>MICHAEL PELTIER AND</b>	§	<b>IN THE COUNTY COURT</b>
<b>KELLY PELTIER</b>	§	
<b>Plaintiffs,</b>	§	
	§	
<b>V.</b>	§	
	§	<b>AT LAW NUMBER THREE (3)</b>
<b>STGJ ENTERPRISES, LLC</b>	§	
<b>D/B/A SMI AGENCY, LERETA, LLC,</b>	§	
<b>AND WRIGHT NATIONAL FLOOD</b>	§	
<b>INSURANCE</b>	§	
<b>Defendants</b>	§	<b>GALVESTON COUNTY TEXAS</b>

**DEFENDANT STGJ ENTERPRISES, LLC D/B/A SMI AGENCY'S**  
**ANSWER TO PLAINTIFFS' ORIGINAL PETITION AND CROSS-CLAIM**

TO THE HONORABLE COUNTY COURT JUDGE:

Defendant, STGJ ENTERPRISES, LLC d/b/a SMI AGENCY ("SMI") files its Answer to Plaintiffs' Original Petition.

**1.**  
**GENERAL DENIAL**

SMI asserts a general denial, as authorized by TEX. R. CIV. P. 92. SMI requests Plaintiffs be required to prove their charges and allegations against SMI by a preponderance of the evidence, as required by the Constitution and the laws of the State of Texas.

**2.**  
**AFFIRMATIVE DEFENSES**

SMI asserts the following affirmative defenses:

A. SMI asserts Plaintiffs' claim is for breach of contract, if any, and not actionable under the Deceptive Trade Practices Act ("DTPA").

B. SMI asserts Plaintiffs' damages, if any, were caused by themselves or by other parties, third parties or instrumentalities over which SMI had no control.

3.

**DENIAL OF CONDITIONS PRECEDENT**

SMI denies all conditions precedent have occurred or been fulfilled by Plaintiffs.

4.

**CROSS-CLAIM FOR CONTRIBUTION AGAINST  
LERETA, LLC AND WRIGHT NATIONAL FLOOD INSURANCE**

Cross-Plaintiff SMI now files its Cross-Claim for Contribution against Defendants/Cross-Defendants Lereta, LLC and Wright National Flood Insurance. Defendant's Cross-Claim arises out of the same transaction or occurrence that is the subject matter of the original action herein. Cross-Defendants Lereta and Wright are liable to SMI for all or part of Plaintiffs' claims asserted against SMI in this lawsuit.

Plaintiffs' original suit alleges various causes of actions against SMI and the other Defendants, including violations of the Texas Deceptive Trade Practices Act and negligent misrepresentation.

In the unlikely event SMI is found liable to Plaintiffs in any respect, SMI asserts the damages claimed by Plaintiffs were proximately caused by the acts or omissions of Cross-Defendants, who are in the business of quoting flood zone designations, writing and issuing flood insurance; and who actually misquoted the flood zone designation and placed the insurance policy based on the misquoted flood zone designation.

As such SMI is forced to file this Cross-Claim against Lereta and Wright. The damages sought are within the jurisdictional limits of this Court.

SMI requests that any damages awarded against it be reduced by the proportion of responsibility attributed to Cross-Defendants, Plaintiffs and any responsible third parties, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 33.001, et seq.

5.

**CROSS-CLAIM FOR NEGLIGENCE AND NEGLIGENT MISREPRESENTATION  
AGAINST LERETA, LLC AND WRIGHT NATIONAL FLOOD INSURANCE**

SMI denies it committed any wrongful acts of negligent misrepresentation, or violations of the Texas Deceptive Trade Practices Act. In the unlikely event that SMI is found liable to Plaintiffs, then SMI asserts Plaintiffs' damages, if any, are attributable to the negligence and negligent misrepresentation made by Lereta, LLC and Wright National Flood Insurance to Plaintiffs with respect to their mis-quoting the wrong flood zone and placing a policy of flood insurance with the wrong flood zone for Plaintiffs' home.

6.

**JURY DEMAND**

SMI demands a jury trial and will timely tender the jury fee.

WHEREFORE, PREMISES CONSIDERED, Defendant STGJ Enterprises, LLC d/b/a SMI Agency prays Plaintiffs take nothing by reason of this suit against this Defendant, that STGJ Enterprises, LLC d/b/a SMI Agency recover its damages against Cross-Defendants; and for such further relief to which it may show itself justly entitled.

Respectfully Submitted,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

By: /s/ Scott R. Breitenwischer

Scott R. Breitenwischer

State Bar No. 02947695

Kamilla Shlimak

State Bar No. 24092428

1600 Smith Street, Suite 5000

Houston, TX 77002

(713) 224-8380 Telephone

(713) 225-9945 Facsimile

scott.breitenwischer@roystonlaw.com

kamilla.shlimak@roystonlaw.com

**ATTORNEYS FOR DEFENDANT,  
STGJ ENTERPRISES, LLC D/B/A  
SMI AGENCY**



**CERTIFICATE OF SERVICE**

I certify that the foregoing instrument was served upon the following in accordance with Texas Rules of Civil Procedure 21a on this 22nd day of June 2017.

Ramzey N. Zein-Eldin  
P.O. Box 3951  
Galveston, TX 77552  
ramzey543@gmail.com  
***Attorney for Plaintiffs***

/s/ Scott R. Breitenwischer  
Of Royston, Rayzor, Vickery & Williams, L.L.P.